

# SENATE, No. 856

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JANUARY 18, 2022

**Sponsored by:**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**Co-Sponsored by:**

**Senator Gopal**

**SYNOPSIS**

Allows county boards of elections to begin canvassing early votes and mail-in ballots before election day under certain conditions.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/3/2022)**

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2

1 AN ACT concerning the canvassing of votes cast during the early  
2 voting period and through mail-in ballots and amending  
3 P.L.2021, c.40 and P.L.2009, c.22.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. Section 4 of P.L.2021, c.40 (C.19:15A-4) is amended to read  
9 as follows:

10 4. a. An early vote cast in an election, as provided for in this  
11 act, P.L.2021, c.40 (C.19:15A-1 et al.), shall not be canvassed prior  
12 to the closing of the polls on the day of an election, except as  
13 provided under subsection b. of this section.

14 Every provisional ballot voted in each such election and  
15 determined by a county board to be valid shall be counted and shall  
16 be part of the official tally of the results of the election.

17 b. (1) A county board of elections may begin canvassing each  
18 early vote no earlier than 24 hours after the conclusion of the early  
19 voting period. The Secretary of State shall establish guidelines  
20 concerning the early vote canvassing process. If a county board of  
21 elections begins canvassing the early votes prior to the day of the  
22 election, the county board shall implement the measures necessary  
23 to ensure the security and secrecy of the early votes. The early votes  
24 and the results of the canvassing shall remain confidential and shall  
25 be disclosed only in accordance with the provisions of Title 19 of  
26 the Revised Statutes, regulations and guidelines concerning the  
27 disclosure of election results, and in no circumstances disclosed  
28 prior to the close of polls on the day of the election.

29 (2) Any person who is authorized to receive and canvass the  
30 early votes pursuant to this section who knowingly discloses to the  
31 public the early votes and the results of the canvass prior to the time  
32 designated by law for the closing of the polls for each election shall  
33 be guilty of a crime of the third degree.

34 (cf: P.L.2021, c.40, s.4)

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36 2. Section 22 of P.L.2009, c.22 (C.19:63-22) is amended to  
37 read as follows:

38 22. a. On the day of each election, or as provided under  
39 subsection b. of this section, each county board of elections shall  
40 open in the presence of the commissioner of registration, or the  
41 designee thereof, the inner envelopes that contain the mail-in ballots  
42 with the votes cast for the election. The inner envelopes containing  
43 the ballots that the board or the Superior Court has rejected shall  
44 not be so opened, but shall be retained as provided for by this act.  
45 The board shall then proceed to canvass the votes cast on the mail-

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

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1 in ballots, but no such ballot shall be counted in any primary  
2 election for the general election if the ballot of the political party  
3 marked for voting thereon differs from the designation of the  
4 political party in the primary election of which such ballot is  
5 intended to be voted as marked on the envelope by the county board  
6 of elections.

7 Every mail-in ballot that bears a postmark date before or of the  
8 day of the election and that is received by the county board within  
9 144 hours after the time of the closing of the polls for the election  
10 that the ballot was prepared shall be considered valid and shall be  
11 canvassed. Every mail-in ballot that does not bear a postmark date  
12 but that is received by the county board by delivery of the United  
13 States Postal Service before, or within 48 hours after, the time of  
14 the closing of the polls for the election for which the ballot was  
15 prepared shall be considered valid and shall be canvassed.

16 b. A county board of elections may begin opening the inner  
17 envelopes and canvassing each mail-in ballot from the inner  
18 envelopes no earlier than ten days prior to the day of the election.  
19 The Secretary of State shall establish guidelines concerning the  
20 early canvassing process. If a county board of elections begins  
21 opening the inner envelopes and canvassing the mail-in ballots from  
22 the inner envelopes prior to the day of the election, the county  
23 board shall implement the measures necessary to ensure the security  
24 and secrecy of the mail-in ballots. The contents of the mail-in  
25 ballots and the results of the ballot canvassing shall remain  
26 confidential and shall be disclosed only in accordance with the  
27 provisions of Title 19 of the Revised Statutes, regulations and  
28 guidelines concerning the disclosure of election results, and in no  
29 circumstances disclosed prior to the close of polls on the day of the  
30 election. As provided under R.S.19:34-13, any person who is  
31 authorized to receive and canvass completed mail-in-ballots who  
32 knowingly discloses to the public the contents of a mail-in ballot  
33 prior to the time designated by law for the closing of the polls for  
34 each election shall be guilty of a crime of the third degree.

35 c. Immediately after the canvass is completed, the respective  
36 county boards of election shall certify the result of the canvass to  
37 the county clerk or the municipal or district clerk or other  
38 appropriate officer, as the case may be, showing the result of the  
39 canvass by municipality and ward. The votes thus canvassed shall  
40 be counted in determining the result of the election.

41 The county board of elections shall, immediately after the  
42 canvass is completed for any primary election, certify the results of  
43 the votes cast for members of the county committees to the  
44 respective municipal clerks, and those votes shall be counted in  
45 determining the result of the election.

46 (cf: P.L.2020, c.71, s.13)

1       3. This act shall take effect immediately.

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STATEMENT

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6       This bill allows county boards of elections to begin canvassing  
7 early votes cast during the early voting period and mail-in ballots  
8 before election day under certain conditions.

9       Under current law, early votes cast during the early voting period  
10 may not be canvassed or counted until the polls close on election  
11 day. Similarly, mail-in ballots may begin to be canvassed or  
12 counted on election day.

13       Under this bill, county boards of elections are permitted to begin  
14 canvassing each early vote no earlier than 24 hours after the  
15 conclusion of the early voting period. The bill also allows county  
16 boards of elections to begin opening the inner envelopes and  
17 canvassing each mail-in ballot from the inner envelopes no earlier  
18 than ten days prior to the day of the election. The bill directs the  
19 Secretary of State to establish guidelines concerning the canvassing  
20 process to ensure the security and secrecy of the votes cast. The  
21 canvassing results would remain confidential and be disclosed only  
22 in accordance current law, regulations, and guidelines concerning  
23 the disclosure of election results. The bill prohibits the disclosure of  
24 the canvassing results prior to the close of polls on the day of the  
25 election. Under current law for mail-in ballots, any person who is  
26 authorized to receive and canvass completed mail-in-ballots who  
27 knowingly discloses to the public the contents of a mail-in ballot  
28 prior to the time designated by law for the closing of the polls for  
29 each election is guilty of a crime of the third degree. This bill  
30 extends the same penalties to the disclosure of early voting results.